



# NEWS

Judicial Council of California  
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## SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 14, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-103 People v. Storm, S088712. (D030950; 79 Cal.App.4th 1324.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case includes the issue of whether, when there is a break in custody between a suspect's request for an attorney in response to a Miranda warning (Miranda v. Arizona (1966) 384 U.S. 436) and renewed questioning of the suspect by the police in a noncustodial setting which leads to an incriminating statement, the incriminating statement is admissible at trial only if the break in custody is not "pretextual."

### DISPOSITION

#00-92 Birndorf v. Superior Court, S088525, was dismissed and remanded to the Court of Appeal upon notification to the court of settlement.

### STATUS

#00-85 People v. McCoy, S087893. The court limited review to the issue of whether an aider and abettor may be convicted of an offense greater than the offense of which the actual perpetrator is convicted when they are tried together.

(over)

#00-96 People v. Russo, S088368. The court limited review to the issues of whether an overt act is an element of the crime of conspiracy such that the jurors must unanimously agree on the specific overt act that was committed and whether the trial court prejudicially erred in failing to so instruct the jury.

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